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JAN 14 2008

**OFFICE OF PETITIONS**

In re Application of  
Brian Taylor et al.  
Application No. 10/038,405  
Filed: January 3, 2002  
Attorney Docket No. **RPS920050806US1**

DECISION ON PETITION  
UNDER § 1.183

This is a decision on the request for reconsideration filed December 20, 2007 under 37 CFR 1.47 but is being treated under 37 CFR § 1.183 for acceptance of a supplemental declaration without the signatures of all inventors as required by § 1.67.<sup>1</sup>

The petition is **GRANTED**.

The supplemental declaration filed November 20, 2007 is signed by joint inventor Taylor. The supplemental declaration identifies joint inventor Allard by name, address and citizenship; however, the declaration is not signed by inventor Allard. The original declaration for patent filed in this application, pursuant to § 1.63(d) was signed by both Mr. Taylor and Mr. Allard. A petition filed November 20, 2007 was dismissed in a decision mailed November 30, 2007 because while petitioners argued that joint inventor Allard refused to sign the Supplemental Declaration, the details regarding the presentation of the Supplemental Declaration did not accompany the petition thus, no showing that waiver of the requirement for inventor Allard's signature on the supplemental declaration was warranted § 1.67.<sup>2</sup>

Comes now petitioner with the instant renewed petition.

Petitioners establish that the non-signing inventor was contacted by email regarding the signing of the Supplemental Declaration and on more than one occasion, after

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<sup>1</sup>Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration or to provide all information is a waiver of 37 CFR 1.67 and 1.63. See MPEP 603.

<sup>2</sup>The supplemental declaration was a requirement set out in a Ex Parte Quayle Office Action mailed September 20, 2007 which set a two month period for response.

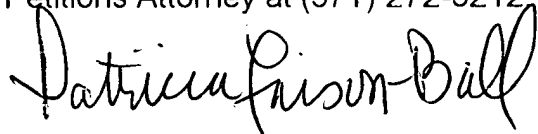
receipt of the Supplemental Declaration, joint inventor John Allard refused to sign.

The petition includes the last known address of the non-signing inventor and a fee in the amount of \$200.00 for the petition. Petitioners are advised however that the fee for a petition under 37 CFR 1.183 is set at \$400.00. Therein, petitioner's deposit account no. 50-0563 has been charged an additional \$200.00 to make up the difference between that previously charged on November 20, 2007 and that which is due.

The supplemental declaration has been reviewed and found in compliance with §§ 1.67 and 1.63. In view of the foregoing, it is concluded that waiver of the requirement that the supplemental declaration be signed by joint inventor Allard is appropriate.

This matter is being referred to Technology Center 3714 for further examination as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions